
OLR Bill Analysis

sHB 6366

AN ACT CONCERNING THE PENALTY FOR USING A CELLULAR TELEPHONE WHILE OPERATING A MOTOR VEHICLE.

SUMMARY:

This bill increases the maximum penalties for a second or subsequent violation for unlawfully using a cell phone or other mobile electronic device while driving. In addition, it changes the penalties for a first or subsequent violation for violators who are under age 18 or who commit a violation while driving a school bus carrying passengers.

For anyone who receives a summons for a second or subsequent violation, the bill allows the law enforcement officer issuing the summons, on the motor vehicle commissioner's behalf, to suspend and take possession of the violator's driver's license for 24 hours. If the violator is a non-resident, the officer may suspend the person's operating privileges for 24 hours.

The bill also specifies that violators may follow the procedures for infractions only for a first violation. Under these procedures, a violator may mail the fine to the Centralized Infractions Bureau instead of appearing in court.

EFFECTIVE DATE: October 1, 2011

PENALTIES FOR USING CELL PHONES WHILE DRIVING

The bill changes the penalties for using cell phones or other mobile electronic devices while driving, as Tables 1 and 2 outline.

Table 1: Penalties for Adults (Other than School Bus Drivers)

	<i>Existing Law</i>	<i>The Bill</i>
--	---------------------	-----------------

First Violation	\$100 fine	\$100 fine
Second Violation	\$150 fine	Up to a \$500 fine, plus possible 24-hour suspension of driver's license or nonresident driving privilege
Subsequent Violations	\$200 fine	Up to a \$500 fine, plus possible 24-hour suspension of driver's license or nonresident driving privilege

Table 2: Penalties for Minors and School Bus Drivers

	<i>Existing Law</i>	<i>The Bill</i>
First Violation	Up to a \$100 fine	\$100 fine
Subsequent Violations	Up to a \$100 fine	Up to a \$500 fine, plus possible 24-hour suspension of driver's license or nonresident driving privilege

By law, the prohibition applies, with certain exceptions, to using a hand-held mobile phone or mobile electronic device while driving, and includes text messaging. The prohibition also applies to using a mobile phone or electronic device, even with a hands-free accessory, if the driver is (1) a school bus driver carrying passengers or (2) under age 18. The prohibition does not apply (1) in emergency situations or (2) for people other than minors and school bus drivers, to any of the following people while performing their official duties and within the scope of their employment: peace officers, firefighters, ambulance and emergency vehicle drivers, or members of the military when operating a military vehicle.

BACKGROUND

Related Bill

sHB 6581 (File 395), favorably reported by the Transportation Committee, increases fines for using a cell phone or texting while driving and imposes additional penalties for texting while driving a commercial motor vehicle.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 23 Nay 20 (04/14/2011)